



February 18, 2005

Mr. Daniel Borunda, Environmental Protection Specialist
Compliance Section
USIBWC
4171 North Mesa Street, C-100
El Paso, TX 79902

RE: DSEIS for Clean Water Compliance at the South Bay International Wastewater Treatment Plant (SBIWTP)

Dear Mr. Borunda:

Please find below the comments by Wildcoast on the DSEIS for the SBIWTP. Wildcoast is an international coastal and marine conservation team based in Imperial Beach, California.

The DSEIS for the SBIWTP prepared by the International Boundary and Water Commission does not adequately review alternatives to resolve the problem of the discharge of raw sewage into the Tijuana River in a way that complies with NEPA, the Clean Water Act and with Public Law 106-457.

None of the alternatives delineated in the DSEIS will solve the problem of the discharge of raw sewage into the Tijuana River and the contamination of the beaches along the San Diego County coastline and in Baja California.

Sewage from storm events and flows from badly maintained or non-existent sewage infrastructure along the Mexico-U.S. border in Tijuana will continue to pose a significant and grave danger to public health in San Diego and Tijuana and continue to adversely impact the ecological integrity of the Tijuana River Valley canyons, river and ocean even after Alternative 4C is constructed.

Wildcoast supports providing the secondary treatment necessary to bring the current discharge of 25 MGD/day at the SBIWTP into compliance with the Clean Water Act. The Preferred Alternative does not address the intent of Public Law 106-457 that, "...authorizes the United States to *comprehensively* address the treatment of sewage from the Tijuana River area." The alternatives presented in the DSEIS lack such a comprehensive approach because they do not address the infrastructure needed to capture and convey sewage to a treatment plan.

The questions below are related to the Preferred Alternative, Alternative 4-C, to address the purpose and need of the project. This alternative is the only one listed in the DSEIS that would be constructed in Mexico.

1. Has the IBWC verified the ownership of the land in Mexico to be used for Alternative 4C? The DSEIS needs to include an independent third-party verification that the land identified as the preferred location for Alternative Site 4C is in fact owned by Bajagua Project LLC. This third-party review should also include a letter confirming land ownership by Mexico's Procurador Agrario and inclusion of all land ownership documents for Alternative 4C in the final EIS.

2. What local, state and federal public agencies in Mexico will be responsible for reviewing Alternative 4C in compliance with all federal environmental laws in Mexico. Will Bajagua Project LLC be required to establish a bond in Mexico to ensure that there are adequate funds to pay for public agency review and project monitoring.
3. Construction of sewage pipes from the international border more than twelve miles east to the Alternative 4C site will represent a significant and unmitigable impact to the health and safety of the residents of Tijuana. What federal agency in Mexico will be responsible for managing the environmental review process for the construction of these proposed sewage pipes?
4. Why did the IBWC choose the alternative 4C for the preferred alternative in the DSEIS rather than review all the alternatives first. Why has the IBWC changed its alternative selection criteria for publicly funded projects?

In conclusion, Wildcoast is concerned that the IBWC has not adequately reviewed the environmental impacts of the Preferred Alternative 4C listed in the DSEIS. As such this DSEIS does not comply with NEPA, and should be delayed so that all questions related to Alternative 4c compliance with Mexican federal, state and local environmental legislation can be considered and adequately reviewed.

Sincerely,



Serge Dedina
Executive Director